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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,498	08/01/2001	J. Wren Hunt	COS97053	7491

7590 06/03/2004

Technology Department
MCI COMMUNICATIONS CORPORATION
1133 19TH STREET, NW
WASHINGTON, DC 20036

EXAMINER

VU, VIET DUY

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 06/03/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/080,498

Applicant(s)

HUNT ET AL.

Examiner

Viet Vu

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4.5</u> | 6) <input type="checkbox"/> Other: _____ |

Non-Art Rejection:

1. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. Miller v. Eagle Mfg. Co., 151 U.S. 186 (1894); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Ockert, 245 F.2d 467, 114 USPQ 330 (CCPA 1957).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

2. Claims 1-35 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-35 of copending U.S. Patent application serial No. 10/122,632. This is a double patenting rejection.

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Art Rejections:

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sweat et al, U.S. pat. No. 5,619,636 in view of Ginsburg, U.S. pat. No. 6,064,730.

Per claims 1-3 and 13-14, Sweat discloses an authoring tool for aiding a user to generate an interactive multimedia application comprising:

a) a graphical workspace for constructing a computerized model of an interactive application (see col 3, lines 46-52),

- b) a first set of tools representing model components, i.e., container modules (col 4, lines 31-55),
- c) a second set of tools configured to place and manipulating the model components, i.e., copying, moving, etc., (see col 7, lines 29-62).

Sweat does not explicitly teach building a model of a call center. Ginsburg teaches building and using a computerized model of a call center for providing virtual graphical views of such call center for use by the clients and agents (see Ginsburg's col 2, lines 7-22, col 3, lines 1-7 and fig. 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Sweat's authoring tools to create Ginsburg's call center model because it would have enabled practicing Ginsburg's invention (see Ginsburg's col 3, lines 31-36).

Per claims 4, 12 and 18, Sweat teaches providing a database storage with a search tool for storing and retrieving model components (see col 7, lines 1-26).

Per claim 5, Sweat teaches providing tools for editing and updating model components (see col 5, lines 39-58).

Per claim 6-9, Sweat teaches provides tools for linking model components and assigning properties to the modules (see col 5, line 62 - col 6, line 20 and col 7, lines 42-49).

Per claims 10-11, the use of security routine, i.e., checking userID, password, to prevent unauthorized access to the program is well known in the art. It would have been obvious to one of ordinary skill in the art to implement such security routine in Sweat because it would have helped preventing unauthorized access to the program.

Per claim 15, the use of context sensitive help tool in a program is also well known in the art.

Per claims 16-17, it would have been further obvious to one of ordinary skill in the art to implement Sweat's authoring tool in a network because it would have enabled a plurality of users to use and share the program more effectively.

Claims 19-35 are similar in scope as that of claims 1-18.

Per claim 27, Sweat further teaches performing a data integrity check after building a component model (see col 9, lines 20-26).

Conclusion:

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 703-305-9597. The examiner can normally be reached on Monday through Thursday from 8:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on (703) 305-8498.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 703-305-9600. The Group fax number is 703-872-9306.



VIET D. VU
PRIMARY EXAMINER

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5/26/04